THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.9546 OF 2006

(DATED : 02.05.2006)

Between:

Gandipamu Ganga Raju S/o Papaiah

….Petitioner

A n d

Sri Seetharamaswamivari Devasthanam, Pothavaram, West Godavari District and others

….Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.9546 OF 2006

ORDER:

The Writ petition is misconceived. The petitioner challenges the notice dated 31.3.2006, whereby the lease in his favour has been cancelled and lands in an extent of Ac.12.50 cents belonging to the first respondent/Devasthanam are proposed to be leased out afresh, in accordance with the rules, after a process of public auction.

Excluding ancient history, at a public auction held on 7.7.2003, the petitioner became the highest bidder for grant of lease of Ac.12.50 cents of agricultural land belonging to the first respondent/Devasthanam, for a period of three years. He deposited 1/3rd of the amount. He claims that the lease was approved by the Deputy Commissioner of Endowments. While so, according to the petitioner, an earlier tenant, one Tata Rao filed W.P.No.13973 of 2004 against the respondents 1 and 2 herein aggrieved by his threatened eviction, consequent on the auction having been knocked down in favour of the petitioner on 7.7.2003. It appears, there was stay granted in the said writ petition which continued for a time. However, pursuant to the auction held on 7.7.2003, petitioner did not get possession of any extent of land of Ac.12.50 cents of the first respondent/Devasthanam. W.P.No.13973 of 2004 appears to have been dismissed subsequently. Even thereafter, no possession was given to the petitioner. Now, the impugned order is issued canceling the lease in the petitioner's favour and proposing fresh auction of the lands. As the petitioner did not get possession of the lands for which he was treated the highest bidder in the auction held on 7.7.2003; as the petitioner does not assert that the auction in his favour was confirmed by the Commissioner of Endowments as required under the relevant statutory Rules and as the three year period for which the lease was granted to the petitioner in the auction held on 7.7.2003, has almost come to an end, petitioner cannot claim issuance of a *Mandamus* to grant a lease in his favour pursuant to the auction held on 7.7.2003, as no legal entitlement for grant of lease is made out.

In view of the above factors, petitioner may however be entitled to refund of the amounts already deposited by him. He may also be entitled to claim damages from the official respondents of the Endowment Department for any injuries suffered by him on account of any acts of commission or omission of such official respondents. Such grievances and the consequent reliefs, petitioner may have to pursue before appropriate alternative Forum and not before this Court under Article 226 of the Constitution of India.

There are no merits in the writ petition and the same is accordingly dismissed. Petitioner is at liberty to pursue appropriate alternative remedies. No costs.

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GODA RAGHURAM, J

02.05.2006

RAR/STP

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